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[PCT36条及びPCT規則70]

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国際予備審査の請求書を受理した日 20.05.2004	国際予備審査報告を作成した日 08.12.2004	
名称及びあて先 日本国特許庁 (IPEA/J P) 郵便番号100-8915 東京都千代田区霞が関三丁目4番3号	特許庁審査官 (権限のある職員) 大島 祥吾	4 F 8710 電話番号 03-3581-1101 内線 3430

第I欄 報告の基礎

1. この国際予備審査報告は、下記に示す場合を除くほか、国際出願の言語を基礎とした。

- ☐ この報告は、_____ 語による翻訳文を基礎とした。
それは、次の目的で提出された翻訳文の言語である。
- ☐ PCT規則12.3及び23.1(b)にいう国際調査
- ☐ PCT規則12.4にいう国際公開
- ☐ PCT規則55.2又は55.3にいう国際予備審査

2. この報告は下記の出願書類を基礎とした。(法第6条(PCT14条)の規定に基づく命令に応答するために提出された差替え用紙は、この報告において「出願時」とし、この報告に添付していない。)

☒ 出願時の国際出願書類

☐ 明細書

第 _____ ページ、 出願時に提出されたもの
第 _____ ページ*、 _____ 付けて国際予備審査機関が受理したもの
第 _____ ページ*、 _____ 付けて国際予備審査機関が受理したもの

☐ 請求の範囲

第 _____ 項、 出願時に提出されたもの
第 _____ 項*、 PCT19条の規定に基づき補正されたもの
第 _____ 項*、 _____ 付けて国際予備審査機関が受理したもの
第 _____ 項*、 _____ 付けて国際予備審査機関が受理したもの

☐ 図面

第 _____ ページ/図、 出願時に提出されたもの
第 _____ ページ/図*、 _____ 付けて国際予備審査機関が受理したもの
第 _____ ページ/図*、 _____ 付けて国際予備審査機関が受理したもの

☐ 配列表又は関連するテーブル

配列表に関する補充欄を参照すること。

3. ☐ 補正により、下記の書類が削除された。

- ☐ 明細書 第 _____ ページ
- ☐ 請求の範囲 第 _____ 項
- ☐ 図面 第 _____ ページ/図
- ☐ 配列表(具体的に記載すること)
- ☐ 配列表に関連するテーブル(具体的に記載すること)

4. ☐ この報告は、補充欄に示したように、この報告に添付されかつ以下に示した補正が出願時における開示の範囲を超えてされたものと認められるので、その補正がされなかったものとして作成した。(PCT規則70.2(c))

- ☐ 明細書 第 _____ ページ
- ☐ 請求の範囲 第 _____ 項
- ☐ 図面 第 _____ ページ/図
- ☐ 配列表(具体的に記載すること)
- ☐ 配列表に関連するテーブル(具体的に記載すること)

* 4. に該当する場合、その用紙に“superseded”と記入されることがある。

第IV欄 発明の単一性の欠如

1. 請求の範囲の減縮又は追加手数料の納付の求めに対して、出願人は、

- ☐ 請求の範囲を減縮した。
☐ 追加手数料を納付した。
☐ 追加手数料の納付と共に異議を申立てた。
☒ 請求の範囲の減縮も、追加手数料の納付もしなかった。

2. ☐ 国際予備審査機関は、次の理由により発明の単一性の要件を満たしていないと判断したが、PCT規則68.1の規定に従い、請求の範囲の減縮及び追加手数料の納付を出願人に求めないこととした。

3. 国際予備審査機関は、PCT規則13.1、13.2及び13.3に規定する発明の単一性を次のように判断する。

- ☐ 満足する。
☒ 以下の理由により満足しない。

請求の範囲1-27に共通の事項は、基材表面に微細突起が規則的に配列してなる構造であるが、この「基材表面に微細突起が規則的に配列してなる構造」は、文献 JP 2002-335949 A に開示されているから、新規ではない。

したがって、PCT規則13.2の第2文の意味において、請求の範囲1-27には、共通の特別な技術的な特徴が存在するということとはできない。

4. したがって、国際出願の次の部分について、この報告を作成した。

- ☐ すべての部分
☒ 請求の範囲 5, 6, 11-13, 15-27

に関する部分

第V欄 新規性、進歩性又は産業上の利用可能性についての法第12条(PCT35条(2))に定める見解、それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求の範囲	5, 6, 11-13, 15-27	有 無
	請求の範囲		
進歩性 (IS)	請求の範囲	5, 6, 11-13, 15-27	有 無
	請求の範囲		
産業上の利用可能性 (IA)	請求の範囲	5, 6, 11-13, 15-27	有 無
	請求の範囲		

2. 文献及び説明 (PCT規則70.7)

- D1: JP 2002-335949 A (理化学研究所)
2002. 11. 26, 請求の範囲、【0024】図面、
D2: JP 2001-157574 A (テルモ株式会社)
2001. 06. 12, 請求の範囲、【0014】図面
D3: JP 9-155972 A (ワイケイワイ株式会社)
1997. 06. 17, 請求の範囲【0021】
D4: US 6291050 B1 (THE PROCTER & GAMBLE COMPANY)
2001. 09. 18, claims, drawings
D5: WO 95/32258 A1 (MINESOTA MINING AND MANUFACTURING COMPANY)
1995. 11. 30, claims, drawings
D6: WO 00/50232 A1 (セイコーエプソン株式会社)
2000. 08. 31, claims, drawings
D7: EP 1247636 A2 (CREAVIS GESELLSCHAFT FUR TECHNOLOGIE UND
INNOVATION MBH) 2002. 10. 09 claims, 【0006】 drawings
D8: JP 10-108905 A (オオタ株式会社) 1998. 04. 28
請求の範囲、

請求の範囲5, 6, 11-13, 15-27に係る発明は、国際調査報告で引用された上記D1~D8のいずれにも記載されておらず、当業者にとって自明なものでもない。

Translation

PATENT COOPERATION TREATY

PCT/JP2003/015171



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference MP/ST5603-P	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2003/015171	International filing date (day/month/year) 27 November 2003 (27.11.2003)	Priority date (day/month/year) 27 November 2002 (27.11.2002)
International Patent Classification (IPC) or national classification and IPC B29C 41/12, 41/36, B29D 28/00, C12M 3/00, C08J 9/00		
Applicant JAPAN SCIENCE AND TECHNOLOGY AGENCY		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 6 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 20 May 2004 (20.05.2004)	Date of completion of this report 08 December 2004 (08.12.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/015171

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- ☒ The international application as originally filed/furnished
- ☐ the description:
- pages _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- pages _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☒ neither restricted nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
 - ☒ not complied with for the following reasons:

SEE SUPPLEMENTAL SHEET

4. Consequently, this report has been established in respect of the following parts of the international application:

☐ all parts.

☒ the parts relating to claims Nos. 5, 6, 11-13, 15-27

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV. 3.

The feature common to claims 1 to 27 is a structure comprising microprotrusions regularly arrayed on a substrate surface, but this "structure comprising microprotrusions regularly arrayed on a substrate surface" is disclosed in document JP 2002-335949 A, and thus, lacks novelty.

Therefore, there is no special technical feature present among claims 1 to 27 in the meaning of the second sentence of PCT Rule 13.2.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	5, 6, 11-13, 15-27	YES
	Claims		NO
Inventive step (IS)	Claims	5, 6, 11-13, 15-27	YES
	Claims		NO
Industrial applicability (IA)	Claims	5, 6, 11-13, 15-27	YES
	Claims		NO

2. Citations and explanations

- Document 1: JP 2002-335949 A (The Institute of Physical and Chemical Research), 26 November 2002, claims, paragraph [0024], drawings
- Document 2: JP 2001-157574 A (Terumo Corp.), 12 June 2001, claims, paragraph [0014], drawings
- Document 3: JP 9-155972 A (YKY Kabushiki Kaisha), 17 June 1997, claims, paragraph [0021]
- Document 4: US 6291050 B1 (The Procter & Gamble Co.), 18 September 2001, claims, drawings
- Document 5: WO 95/32258 A1 (Minnesota Mining and Manufacturing Co.), 30 November 1995, claims, drawings
- Document 6: WO 00/50232 A1 (Seiko Epson Corp.), 31 August 2000, claims, drawings
- Document 7: EP 1247636 A2 (Creavis Gesellschaft fur Technologie und Innovation mbH), 9 October 2002, paragraph [0006], drawings
- Document 8: JP 10-108905 A (Ota Kabushiki Kaisha), 28 April 1998, claims

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The inventions described in claims 5, 6, 11 to 13, and 15 to 27 are not disclosed in any of documents 1 to 8 cited in the international search report, nor would they be obvious to a person skilled in the art.